

Application No. 10/069,026  
Amdt. dated September 2, 2005  
Reply to Office Action of March 4, 2005

### **REMARKS/ARGUMENTS**

The Office Action dated March 4, 2005 and the references cited therein have been carefully considered. In response to the Office Action, Applicant has amended Claims 8, 11 and 45 which, when considered with the remarks set forth below, are deemed to place the case in condition for allowance.

In the Office Action, the Examiner has indicated that Claim 8 has been deemed allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicant thanks the Examiner for the indication of allowable subject matter. In response, Applicant has rewritten Claim 8 in independent form.

Also in the Office Action, Claims 11-13 have been objected to and have been rejected under 35 U.S.C. §112 second paragraph as being indefinite. In response, Applicant has amended Claim 11 to include the phrase "the method comprising the steps of" and to positively recite the steps of the claimed method. Accordingly, it is respectfully submitted that the informal objection and rejection under 35 U.S.C. §112 to Claims 11-13 have been overcome.

Further in the Office Action, Claims 2, 3, 9, 10, 14-17 and 45 have been rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,919,414 to Dobler. In particular, the Examiner states that the Dobler patent discloses a method of manufacturing labels wherein a retaining element 17 holds the strip of film during cutting.

Claim 11 has been rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,908,590 to Yoshimi et al. Specifically, the Examiner states that the Yoshimi patent discloses a method for blanking labels, including the step of holding the labels against a retaining element during the blanking process.

Finally, Claims 4, 5, 6, 13, 18 and 19 have been rejected under 35 U.S.C. §103(a) as being unpatentable over the Dobler patent and the Yoshimi patent, alone and/or combined.

In response, Applicant has amended independent Claims 11 and 45 to include the step of transferring the label directly from the retaining element into the mold. It is respectfully

submitted that none of the cited prior art references, taken alone or combined discloses this step in a method for manufacturing labels.

In particular, the cited Dobler patent discloses a method for providing an insertion label on a tool of a machine, wherein a strip of film 22 is supported on a cutting tool 19 (carrier) and is pressed against the cutting tool during cutting by a punching plate 17 (retaining element). A label 29 is cut from the strip and is retained on the punching plate 17 with suction ports formed on the plate. However, once the label 29 is cut, it is transferred from the punching plate 17 to a receiving plate 33 of a transfer unit 30. The receiving plate 33 subsequently pivots and moves the label 29 adjacent an injection molding machine 2 where the label is again transferred from the receiving plate to an insertion unit 35. The insertion unit 35 in turn transfers the label into a tool 34 of the injection molding machine 2. (See col. 6, line 43- col. 7, line 17 of the Dobler patent.)

Thus, the label 29 described in the Dobler patent is transferred three times from the time it is cut until the time it is in the mold. The method according to the present invention attempts to minimize the possible damage or wrinkling of the label, which may result from multiple transfers, by transferring the label directly from the retaining element into the mold. This is not taught or suggested by the Dobler patent.

Similarly, the cited Yoshimi patent discloses a process for manufacturing a container, wherein a label 11 is transferred to a transfer unit before being placed in a mold. Specifically, a press-punching drive portion 22 is driven against a punching plate 20 (supporting carrier) having an opening 21 formed therein to press-cut the sheet. The punching plate 20 further includes a label reception platform 23 (retaining element) positioned in the opening 21 for retaining the label L after it has been cut. The label reception platform 23, together with the punching plate 20, is then moved away from the punching device 2 to a transfer apparatus, where the labels are transferred onto a "dummy core mold" 5 or a label winding stand 32. The label is then in turn transferred to a cavity mold 6.

Thus, like the Dobler patent, the labels disclosed in the Yoshimi patent are not transferred directly from the retaining element into the mold. In particular, there is no

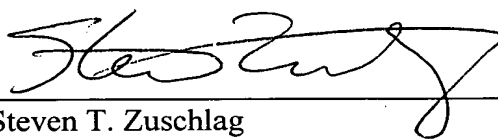
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mention in the Yoshimi patent of transferring a label directly from a retaining element into a mold. Instead, there is an interim transfer that takes place before the labels are transferred into a mold. As mentioned above, the possible drawbacks of such interim transfers are damaged or creased labels. In contrast, the method according to the present invention avoids this drawback by transferring the label directly from the retaining element into the mold.

In sum, neither the Dobler nor the Yoshimi patent discloses a method for manufacturing labels including the step of transferring the label directly from a retaining element into a mold, as defined in independent Claims 11 and 45. Accordingly, it is respectfully submitted that independent Claims 11 and 45, and the claims that depend therefrom, patentably distinguish over the prior art.

In view of the foregoing amendment and remarks, favorable consideration and allowance of the application with Claims 2-6, 8-19 and 45 are respectfully solicited. If the Examiner believes that a telephone interview would assist in moving the application toward allowance, he is respectfully invited to contact the Applicant's attorney at the telephone number listed below.

Respectfully submitted,



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